

EDMUND G. BROWN JR., Attorney General
of the State of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General
RENE JUDKIEWICZ, State Bar No. 141773
Deputy Attorney General
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2537
Facsimile: (213) 897-2804

Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2009-188

MARY ANN HADSELL
13701 Marina Pointe, Apt. #414
Marina Del Rey, CA 90202

A C C U S A T I O N

Registered Nurse License No. 702223

Respondent.

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing (Board), Department of Consumer Affairs.

2. On or about April 19, 2007, the Board issued Registered Nurse License Number 702223 to Mary Ann Hadsell (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2009, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise

1 indicated.

2 STATUTORY AND REGULATORY PROVISIONS

3 4. Code section 118, subdivision (b) provides that the
4 suspension/expiration/surrender/cancellation of a license shall not deprive the Board of
5 jurisdiction to proceed with a disciplinary action during the period within which the license may
6 be renewed, restored, reissued or reinstated.

7 5. Code section 490 states in pertinent part: "A board may suspend or revoke
8 a license on the ground that the licensee has been convicted of a crime, if the crime is
9 substantially related to the qualifications, functions, or duties of the business or profession for
10 which the license was issued. A conviction within the meaning of this section means a plea or
11 verdict of guilty or a conviction following a plea of nolo contendere."

12 6 Code section 2750 provides that the Board may discipline any licensee,
13 including a licensee holding a temporary or an inactive license, for any reason provided in Article
14 3 (commencing with section 2750) of the Nursing Practice Act.

15 7. Code section 2761 states, in pertinent part:

16 "The board may take disciplinary action against a certified or licensed
17 nurse or deny an application for a certificate or license for any of the following:

18 "(a) Unprofessional conduct, which includes, but is not limited to,
19 the following:

20

21 "(4) Denial of licensure, revocation, suspension, restriction, or any other
22 disciplinary action against a health care professional license or certificate by
23 another state or territory of the United States, by any other government agency, or
24 by another California health care professional licensing board. A certified copy of
25 the decision or judgment shall be conclusive evidence of that action."

26

27 "(f) Conviction of . . . any offense substantially related to the qualifications,
28 functions, and duties of a registered nurse, in which event the record of the conviction
shall be conclusive evidence thereof."

8. Code section 2762 states, in part:

"In addition to other acts constituting unprofessional conduct within the
meaning of this chapter it is unprofessional conduct for a person licensed under
this chapter to do any of the following:

1

2 “(b) Use any controlled substance as defined in Division 10 (commencing

3 with Section 11000) of the Health and Safety Code, or any dangerous drug or

4 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent

5 or in a manner dangerous or injurious to himself or herself, any other person, or

6 the public or to the extent that such use impairs his or her ability to conduct

7 with safety to the public the practice authorized by his or her license.”

8 “(c) Be convicted of a criminal offense involving the prescription,

9 consumption, or self-administration of any of the substances described in

10 subdivisions (a) and (b) of this section, or the possession of, or falsification of a

11 record pertaining to, the substances described in subdivision (a) of this section,

12 in which event the record of the conviction is conclusive evidence thereof.”

13 9. Code section 2764 provides that the expiration of a license shall

14 not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against

15 the licensee or to render a decision imposing discipline on the license. Under Code

16 section 2811, subdivision (b), the Board may renew an expired license at any time

17 within eight years after the expiration.

18 10. California Code of Regulations, title 16, section 1444 states:

19 “A conviction or act shall be considered to be substantially related to

20 the qualifications, functions or duties of a registered nurse if to a substantial degree it

21 evidences the present or potential unfitness of a registered nurse to practice in a

22 manner consistent with the public health, safety, or welfare.”

23 **COST RECOVERY**

24 10. Code section 125.3 provides that the Board may request the administrative

25 law judge to direct a licensee found to have committed a violation or violations of the licensing

26 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the

27 case.

28 **FIRST CAUSE FOR DISCIPLINE**

(Disciplinary Actions by Nursing Boards for States of Montana and Maine)

11. Respondent is subject to disciplinary action pursuant to Code sections

2750 and 2761, subdivision (a)(4), on the ground of unprofessional conduct, in that she was

disciplined by the State of Montana Board of Nursing (Montana Board) and the Maine Board of

1 Nursing (Maine Board). The circumstances are as follows:

2 a. On or about January 17, 2008, pursuant to the Final Order of Default in the
3 disciplinary proceeding entitled *In the Matter of the Proposed Disciplinary Treatment of the*
4 *License of Mary Hadsell, RN, License No. 31570*, Docket No. CC-06-279-NUR, the Montana
5 Board of Nursing suspended indefinitely Respondent's license to practice nursing in the state of
6 Montana, for violating Montana Code section 37-1-316(18) (conduct that does not meet the
7 generally accepted standards of practice) and Mont. Admin. R. 24.159.2301 (f.k.a. ARM
8 8.32.413(2)) (failure to conform to the accepted standards of the nursing profession). The
9 disciplinary proceeding was based on a complaint received by Livingston Memorial Hospital in
10 Livingston, Montana, stating Respondent had reported for work on March 27, 2006 under the
11 influence of alcohol. A true and correct copy of the Final Order is attached hereto as **Exhibit A**
12 and incorporated herein by reference.

13 b. On or about October 15, 2001, pursuant to a Consent Agreement for
14 Warning, in the disciplinary proceeding entitled *In re Mary A. Hadsell, R.N., License #R039815*,
15 the Maine Board of Nursing disciplined Respondent's license to practice registered professional
16 nursing in the state of Maine, for violating (i) 32 M.R.S.A. section 2105-A(2)(F) (violated
17 professional behavior standards); (ii) 32 M.R.S.A. section 2105-A(2)(H) (violation of Board's
18 rules and regulations); (iii) Chapter 4, subdivision (1)(A)(6) (violation of professional behavior
19 standards); (iv) Chapter 4, subdivision (3)(F) (failure to follow policies and procedures to
20 safeguard patient); and (v) Chapter 4, subdivision (3)(J) (violation of patient confidentiality).
21 Respondent was warned because she violated the confidentiality of information concerning a
22 patient, and failed to take appropriate action and to follow policies and procedures in the nursing
23 practice situation designed to safeguard a patient. A true and correct copy of the Consent
24 Agreement for Warning is attached hereto as **Exhibit B** and incorporated herein by reference.

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(Alcohol Abuse)**

27 12. Respondent has subjected her license to disciplinary action under sections
28 2750 and 2762, subdivision (b), on the ground of unprofessional conduct, for consuming

1 alcoholic beverages to an extent or in a manner dangerous or injurious to herself, in that on or
2 about March 27, 2006, Respondent reported for work as a registered nurse at Livingston
3 Memorial Hospital in Livingston, Montana, under the influence of alcohol.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Convictions for Substantially Related Crimes)**

6 13. Respondent has subjected her license to disciplinary action under sections
7 490, 2750 and 2761, subdivision (f) in that she has convictions for crimes substantially related to
8 the qualifications, functions, or duties of a registered nurse. The circumstances are as follows:

9 a. On or about August 26, 2006, Respondent was arrested for drunk driving
10 in San Luis Obispo County.

11 b. On or about September 15, 2006, in *People v. Hadsell* (Super. Ct. San
12 Luis Obispo County, 2006, No. M393426), a criminal complaint was filed charging
13 Respondent with two misdemeanor counts, Count I for driving a vehicle under the influence of
14 an alcoholic beverage or drug (Veh. Code, § 23152, subd. (a)), and Count II for driving with a
15 blood alcohol content of .08 percent or more (Veh. Code, § 23152, subd. (b)).

16 c. On or about December 4, 2006, in *People v. Hadsell* (Super. Ct. San Luis
17 Obispo County, 2006, No. M393426), a third misdemeanor count was added
18 charging Respondent with violation of Vehicle Code section 23103, subdivision (a) (reckless
19 driving). Respondent pleaded nolo contendere to and was convicted of violation of Vehicle
20 Code section 23103, subdivision (a) (reckless driving).

21 d. On or about June 26, 2007, in Marina del Rey, Respondent was arrested
22 for violation of Penal Code section 1203.2 (rearrest of criminal probationer for probation
23 violation).

24 e. On or about January 11, 2008, in the City of Los Angeles, Respondent
25 drove a motor vehicle while being under the influence of an alcoholic beverage and a drug, and
26 under the combined influence of an alcoholic beverage and a drug, in violation of Vehicle Code
27 section 23152, subdivision (a).

28 f. On or about February 26, 2008, a misdemeanor criminal complaint

1 (*People v. Hadsell* (Super. Ct. Los Angeles County, 2008, No. 8VY01067) was filed against
2 Respondent. The complaint asserts the following three misdemeanors against Respondent: (1)
3 Count One, violation of Vehicle Code section 23152, subdivision (a) (driving a vehicle while
4 being under the influence of an alcoholic beverage and a drug, and under the combined influence
5 of an alcoholic beverage and a drug); (2) Count Two, violation of Vehicle Code section 14601.5,
6 subdivision (a) (knowingly driving with suspended or revoked driving privilege); and (3) Count
7 Three, violation of Vehicle Code section 12500, subdivision (a) (driving a vehicle on highway
8 without a valid driver's license). The complaint also alleges a prior conviction, entered
9 December 4, 2006 in Case Docket No. M393426, for violation of Vehicle Code section 23103
10 (reckless driving).

11 g. On or about May 30, 2008, Respondent entered a nolo contendere plea to,
12 and was convicted of, Counts 1 and 3 (*People v. Hadsell* (Super. Ct. Los Angeles County, 2008,
13 No. 8VY01067).

14 **FOURTH CAUSE FOR DISCIPLINE**

15 **(Conviction for Crime Involving Consumption of Controlled Substances and/or Alcohol)**

16 14. Respondent has subjected her license to disciplinary action under section
17 2762, subdivision (c) in that she has been convicted of a criminal offense involving the
18 consumption of controlled substances, a dangerous drug and/or alcoholic beverages.
19 Complainant refers to and by this reference incorporates the allegations set forth in paragraph 13,
20 subparagraphs (e) through (g), above, as though set forth fully.

21 **FIFTH CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct)**

23 15. Respondent has subjected her license to disciplinary action under section
24 2761, subdivision (a) in that Respondent has engaged in unprofessional conduct. Complainant
25 refers to and by this reference incorporates the allegations set forth in paragraphs 11 through 13
26 inclusive of all their subparagraphs, above, as though set forth fully.

27 ///


28 ///

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Registered Nurse License Number 702223, issued to Respondent Mary Ann Hadsell;
2. Ordering Mary Ann Hadsell to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

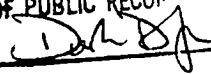
DATED: 2/26/09


RUTH ANN TERRY, M.P.H, R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant

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EXHIBIT A

**State of Montana, Board of Nursing,
Final Order of Default, *In the Matter of the Proposed Disciplinary Treatment of the License
of Mary Hadsell, RN, License No. 31570, Docket No. CC-06-279-NUR***

BY:  CUSTODIAN OF RECORDS

BEFORE THE BOARD OF NURSING
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

IN THE MATTER OF THE PROPOSED
DISCIPLINARY TREATMENT OF THE
LICENSE OF Mary Hadsell, RN

License No. 31570

Docket No. CC-06-0279-NUR
Complaint No. 2006-0126-NUR

FINAL ORDER
OF DEFAULT

Mary Hadsell, Respondent in the above-entitled action, was duly served by the Yellowstone County, Montana Sheriff's Civil Division with the Notice of Proposed Board Action and Opportunity for Hearing and Stipulation on September 23, 2006. The Notice provided a statement of rights which contained a specific notice to Respondent/Licensee that she was required to submit a written request for a hearing within twenty days of the date on which she received the Notice in order to preserve her right to challenge the proposed action under the jurisdiction of the Board of Nursing.

More than twenty days have passed since service of the Notice and no request for hearing has been received. Accordingly, and upon the request of Department counsel on December 21, 2007, the Board issued an order granting entry of default.

For purposes of this order, the fact assertions and conclusions contained in the Notice of Proposed Board Action and Opportunity for Hearing issued in the above-entitled matter are hereby adopted by the Board and fully incorporated into this final order as the findings of fact and the conclusions of law.

Based upon Mary Hadsell's default for failing to request a hearing and the information presently before the Board, including the aforementioned findings of fact and conclusions of law, the Board enters the following:

IT IS HEREBY ORDERED Licensee's license to practice nursing in the state of Montana is immediately suspended for an indefinite period of time.

IT IS FURTHER ORDERED that Licensee shall *immediately* return her license to the Board of Nursing Board office at the following address:

FINAL ORDER OF DEFAULT

Board of Nursing, 301 South Park /P.O. Box 200513 Helena, MT 59620-0513

IT IS FURTHER ORDERED that Licensee immediately provide to the Board of Nursing the name and address of her current employer.

IT IS FURTHER ORDERED that Licensee may not re-apply for a new license or petition the Board for reinstatement of her license to practice nursing in the State of Montana until she has entered into a contract with the Nurses' Assistance Program and remained compliant with the terms of the contract and the requirements of the program for a period of at least one (1) year.

IT IS FURTHER ORDERED that in the event that Licensee applies for a new Montana nursing license or petitions the Board for reinstatement of her nursing license to practice nursing in the State of Montana, she may be required to present sufficient proofs and to comply with certain conditions as may be required by the Board in its discretion at the time of application or petition for reinstatement.

IT IS FURTHER ORDERED that in order for Licensee to petition for reinstatement in the future as herein provided, she must, in the interim, regularly renew her suspended license and comply with all continuing education requirements (if any) each year or else her suspended license may terminate and she would not then be eligible for reinstatement in any circumstance and would have to apply for licensure as a new applicant. Failure to receive a renewal form from the Board will not constitute an excuse for failure to renew the suspended license. It is Licensee's responsibility to ensure that her suspended license is renewed in a timely fashion.

NOTICE

YOU ARE HEREBY NOTIFIED that you have the right to request judicial review of this final order by filing a petition for judicial review within thirty days of service of this final order in a district court of the State of Montana, as provided in § 2-4-702, MCA.

DATED this 17th day of January, 2008.

By: 
PRESIDING OFFICER
BOARD OF NURSING

EXHIBIT B

**State of Maine, Board of Nursing,
Consent Agreement for Warning,
*In re Mary A. Hadsell, R.N., License No. R039815***



STATE OF MAINE
BOARD OF NURSING
158 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0158

ANGUS S. KING, JR.
GOVERNOR

MYRA A. BROADWAY, J.D., M.S., R.N.
EXECUTIVE DIRECTOR

IN RE: MARY A. HADSELL, R.N.)
of Topsham, Maine) **CONSENT AGREEMENT**
License #R039815) **FOR WARNING**

INTRODUCTION

This document is a Consent Agreement regarding Mary A. Hadsell's license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 10 M.R.S.A. § 8003(5)(A-1)(1), § 8003(5)(B) and 32 M.R.S.A. § 2105-A(1-A)(A). The parties to this Consent Agreement are Mary A. Hadsell ("Licensee"), Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine. The parties reached this Agreement following an informal conference held on August 22, 2001 on the basis of information submitted by Miles Foundation, Inc. by letter dated January 18, 2000 and by information submitted by Mercy Hospital by letter dated January 21, 2000.

FACTS

1. Mary A. Hadsell has been a licensed registered professional nurse licensed by the Board to practice in Maine since 1996.
2. On January 21, 2000 Ms. Hadsell was terminated from employment as a resident nurse at Mercy Hospital because she violated the Hospital's patient confidentiality policy, the federal regulations governing the release of confidential information concerning the treatment of substance abuse patients and for unprofessional conduct.
3. Mary A. Hadsell wrote to U.S. Representative Tom Allen and copied other state and federal officials, the contents of which disclosed patient's names and confidential information relative to the patients.
4. The Board finds that Ms. Hadsell breached the confidentiality of patients based upon her admission and the Board's review of the letter to Representative Allen. The Board also finds that Ms. Hadsell actions were unprofessional because she failed to conform to the legal standards and accepted standards of the nursing profession, specifically she violated the confidentiality of information or knowledge concerning a patient and failed to take appropriate action and to follow policies and procedures in the nursing practice situation designed to safeguard a patient.



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AGREEMENT

5. Mary A. Hadsell agrees and understands that her conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(F) and (2)(H) and Chapter 4 (1)(A)(6) and 4 (3)(F) and (J) of the RULES AND REGULATIONS OF THE MAINE STATE BOARD OF NURSING. Mary A. Hadsell is hereby **WARNED** because she engaged in unprofessional conduct in the practice for which she is licensed.
6. Mary A. Hadsell understands that this Consent Agreement imposes discipline regarding her license to practice registered professional nursing in the State of Maine. Ms. Hadsell understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering into this Consent Agreement.
7. Mary A. Hadsell affirms that she executes this Consent Agreement of her own free will.
8. Modification of this Consent Agreement must be in writing and signed by all the parties.
9. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
10. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, MARY A. HADSELL, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 10/3/01

Mary A Hadsell RN
MARY A. HADSELL, R.N.

FOR THE MAINE STATE
BOARD OF NURSING

Myra Broadway
MYRA A. BROADWAY, J.D., M.S., R.N.
Executive Director

RECEIVED
2008 MAY 15 PM 12:57
REGISTERED NURSING
SACRAMENTO
DATED: 10/3/01

DATED: 10/15/01

FOR THE DEPARTMENT OF
ATTORNEY GENERAL



JOHN H. RICHARDS
Assistant Attorney General